

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2010-72  
Petition of NDNE Lower Falls LLC  
27 Washington Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Tuesday, August 17, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of NDNE LOWER FALLS LLC requesting modification of Site Plan Approval (ZBA 2010-22) that was granted on May 13, 2010, for façade changes on the Retail/Office Building, modification of the configuration of the parking area behind the Retail/Office Building, modification of the exterior common amenity area between the Assisted Living building and the Independent Living Building, and modification of the courtyard drop-off area at the Independent Living building, at 27 WASHINGTON STREET, in the Lower Falls Village Commercial District and a Residential Overlay District.

On August 5, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Robert C. Davis, Esq., Goulston & Storrs, who said that he was representing NDNE Lower Falls LLC, (the "Petitioner"). Also present were John J. O'Neil III and Mark L. Paris, National Development, Robert Corning and Frank Holmes, Stantec Consulting, and representatives from Newton-Wellesley Hospital.

Mr. Davis asked that the Board approve substitution of the currently proposed plans for the plans that were approved under Site Plan Approval in May, 2010.

Mr. Davis said that the Design Review Board (DRB) approved the exterior façade changes and the changes to the parking area. He said that the improvements in the parking lot should facilitate better traffic flow through the area. He said that there will be some minor changes to the residential component of the project.

Mr. O'Neil displayed an overhead presentation (retained by Petitioner). He displayed an elevation drawing of the Washington Street façade. He said that there is no material change from what was approved in May, 2010.

Mr. O'Neil displayed the Site Plan. He said that plan for the surface parking area that will service the commercial building will be reduced from the 132 parking spaces that were approved in May, 2010 to 123 parking spaces. He said that number significantly exceeds the requirement under the bylaw.

Mr. O'Neil said that proposed changes to the Site Plan include converting the two-way access to a one-way entrance to accommodate the drop-off area and canopy for Newton-Wellesley's patients. He said that

it is a requirement of DPH that there be a covered canopy for at least two vehicles at the entrance of the Surgery Center for the patients.

Mr. O'Neil said that there will be two-way circulation within the parking lot itself. He said that the proposed one-way egress will also accommodate the Town right of way. He said that the revised plan will allow for better and safer circulation for vehicles and pedestrians. He said that it will also allow for better queuing along the drive aisle for vehicles that are waiting to exit the site.

Mr. O'Neil said that there has been some re-striping and reconfiguration of the sidewalk along the building. He said that they added benches along the walkway at the back of the property per the recommendation of the DRB. He said that there were some changes made to the putting green that is connected to the residential building.

Mr. O'Neil said that the most significant change to the Site Plan is the one-way ingress, the one-way egress and the reduction in the number of parking spaces.

Mr. O'Neil displayed the footprint of the retail building that fronts on Washington Street. He said that there will be bollards to protect pedestrians from vehicles in the drop-off area. He displayed the location of the canopy. He displayed the location of the first floor area that will be part of the Newton-Wellesley complex.

Mr. O'Neil displayed a view of the canopy containing modifications that were suggested by the DRB. He said that DRB wanted the canopy to be less invasive looking. He said that they thought that initially there was too much mass in the horizontal element. He said that the Petitioner spent time with the architects to add some vertical elements, horizontal beams to support the canopy and lighting elements between the beams.

Mr. O'Neil said that the DRB asked that a horizontal feature be added over the entrance to the retail space to differentiate it from the Newton-Wellesley space.

The Board said that it was concerned about the planted traffic island near the entrance of the lot. The Board said that there will be traffic in the opposite direction going around the island. The Board said that the opening looks wide enough for two cars to enter simultaneously. Mr. O'Neil said that the final design represents a handful of iterations that were reviewed with NDNE's consultants and the hospital's consultants. He said that BETA Engineering reviewed the plan on behalf of the Town. He said that the access was maintained at 24 feet for fire truck access and to maintain the drive aisle for fire truck circulation around the lot and close proximity to the building. He said that the plan was reviewed and signed off on by the Fire Department.

The Board asked for a comparison of the previously proposed fire access to the currently proposed fire access. Mr. O'Neil said that the previous Site Plan had one combined entry and egress point. He said that circulation was through the parking lot and there was no break in the island. He displayed on a plan the circulation from the Town right of way. He said that fire truck access has not really changed. He said that now there will be a 24 foot entry and a 20 foot exit. He said that there will be more than ample turning radii. The Board said that the revised plan will eliminate two turns for the fire trucks.

The Board asked if there will be signage on the island to the right of the middle aisle to direct traffic to the exit. Mr. O'Neil said that the plans do not currently reflect that. He said that it is a good suggestion. He said that NDNE will provide "Do Not Enter" signage at the entrance and exit points to the parking lot for one-way traffic flow through them.

The Board said that two alternatives for trip generation had been submitted, one with a Surgery Center and one with a Medical Office. The Board said that the Surgery Center is based on Newton-Wellesley data. The Board asked about the source of the data and how it compared to the Medical Office data. Mr. O'Neil said that Surgery Center use was not listed specifically in the Land Use Code (LUC), so they provided Newton-Wellesley data based on other locations. He said that they provided Medical Office use data, which generates higher volumes. He said that even if the facility was used completely as a Medical Office use, the counts would be below the counts that were approved under the Project of Significant Impact (PSI). He said that the surgery center will not be open on the weekends.

There was no one present at the Public Hearing who wished to speak to the petition.

#### **Submittals from the Petitioner**

- Application
- Letter to Zoning Board of Appeals from John J. O'Neil, III, dated 6/24/2010, re: Modification to Site Plan Approval Issued for 27 Washington Street
- Exhibit B, Item II.12 Number of Parking Spaces & Item III.1. Traffic
- Conley Associates, Memorandum re: Trip Generation Comparison – 27 Washington Street, Wellesley, Massachusetts, dated July 8, 2010
- BETA Group, Inc. Trip Generation Comparison, Alternative Use Proposal, 27 Washington Street, to Hans Larsen, dated July 9, 2010
- Cover Sheet, Retail Rendering Detail, dated 7/14/10, revised 8/4/10, prepared by Elkus/Manfredi Architects
- Retail Rendering Detail 01, dated 7/14/10, prepared by Elkus/Manfredi Architects
- Retail Rendering Detail 02, dated 7/14/10, prepared by Elkus/Manfredi Architects
- Layout and Materials Plan, L-2, dated 6/01/10, revised 6/18/04, prepared by Frank Holmes, P.E.
- Layout and Materials Plan, L-2, dated 6/18/04, revised 8/4/10, prepared by Robert M. Corning, Jr., L.A.
- Layout and Materials Enlargement Plan, L-3, dated 8/4/10, prepared by Robert M. Corning, Jr., L.A.
- Grading Plan, L-6, dated 6/01/10, revised 6/18/10, prepared by Frank Holmes, P.E.
- Planting Plan, L-13, dated 6/01/10, revised 6/18/04, prepared by Frank Holmes, P.E.
- Electrical Site Lighting Plan, Phase #1, E002, dated 6/1/10, revised 6/21/10, prepared by Mark F. Rattenbury, P.E.
- Electrical Site Lighting Plan, Phase #2, E003, dated 6/1/10, revised 6/21/10, prepared by Mark F. Rattenbury, P.E.
- First Floor Plan, dated 7/14/10, revised 8/4/10, prepared by Elkus/Manfredi Architects
- Retail/Office Roof Plan, dated 7/14/10, prepared by Elkus/Manfredi Architects
- Retail/Office Elevations, looking North & West, dated 7/14/10

- Retail/Office Elevations, looking South & East, dated 7/14/10, revised 8/4/10, prepared by Elkus/Manfredi Architects
- Building Sections 1 & 2, dated 7/14/10, prepared Elkus/Manfredi Architects
- Retail Office – Elevation looking North, dated 7/14/10, prepared Elkus/Manfredi Architects
- Partial Elevation – Looking West & East, dated 8/4/10, prepared by Elkus/Manfredi Architects

On July 1, 2010, the Conservation Administrator reviewed the petition and stated that the proposed changes did not appear to trigger the need for additional review or permitting under Order of Conditions MA DEP #324-639.

On August 16, 2010 the Planning Board reviewed the petition and recommended that the Site Plan Approval modification be granted with conditions.

### **DECISION**

Based on the application and other information described in this Decision, the Board found that modification of the Site Plan Approval (ZBA 2010-22) that was granted on May 13, 2010, for façade changes on the Retail/Office Building, modification of the configuration of the parking area behind the Retail/Office Building, modification of the exterior common amenity area between the Assisted Living building and the Independent Living Building, and modification of the courtyard drop-off area at the Independent Living building, is in harmony with the general purpose and intent of the Zoning Bylaw, subject to conditions listed below, in conjunction with the modified Site Plan Approval.

The Board's approval of the modification of Site Plan for the Project is premised on the Petitioner's and Project's compliance with the following conditions (the "Conditions"). All requirements imposed by the Conditions or this modified Site Plan Approval shall be applicable to the entity responsible for the administration of the Project regardless of whether the condition specifically identifies the Petitioner, the responsible entity, or no entity as having responsibility for a particular condition. By accepting this modified Site Plan Approval, the Petitioner agrees to the terms, covenants, conditions, and agreements contained herein.

Modification of Site Plan Approval for the construction of the Medical Office, Ambulatory Surgery, and General Medical Care/ retail complex and the residential apartments located at 27 Washington Street is granted, as voted unanimously by the Board at the Public Hearing, pursuant to Section XVIA and XXV, subject to the following conditions:

1. Prior to the issuance of building permits for the development of the commercial building, the owner shall submit revised plans wherein additional bench locations, supplementing those shown on the plans submitted, are provided along walking paths and space is provided alongside all benches to accommodate the "parking" of a least one (1) wheelchair. Installation of the above shall be required prior to the issuance of a Certificate of Occupancy.
2. There shall be "No Left Turn" or "Right Turn Only" signage on the center island at the west end of the common parking area between the commercial building and the residential building.

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

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Richard L. Seegel, Chairman

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J. Randolph Becker

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David L. Grissino

cc: Planning Board  
Inspector of Buildings

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